

**IN UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

CHARLES PORTER, *on behalf of himself
and all others similarly situated,*

Plaintiff,

vs.

SPAN-AMERICA MEDICAL SYSTEMS,
INC., THOMAS D. HENRION, JAMES
D. FERGUSON, THOMAS F. GRADY,
RICHARD C. COGGINS, ROBERT H.
DICK, DAN R. LEE. LINDA D.
NORMAN, THOMAS SULLIVAN, and
TERRY ALLISON RAPPUHN

Defendants.

Case No.: 6:17-cv-01357-MGL

ORDER

THIS MATTER is before the Court on Plaintiff's Notice of Withdrawal of Motion for Temporary Restraining Order. On May 26, 2017, Plaintiff filed a motion for a Temporary Restraining Order (ECF No. 5) seeking an order (i) temporarily restraining Defendants from consummating the ongoing tender offer, pending expedited discovery and a hearing on Plaintiff's forthcoming motion for a preliminary injunction; (ii) permitting limited expedited discovery; and (iii) scheduling a prompt post-expedited discovery hearing on the forthcoming motion for a preliminary injunction to take place on or before June 15, 2017. On June 5, 2017, Defendants filed an amendment to the Recommendation Statement with the SEC containing certain additional information relating to the proposed transaction (the "Corrective Disclosures"). Later that same day, Plaintiff filed a Notice of Withdrawal of Motion for Temporary Restraining Order requesting the Court's permission to withdraw Plaintiff's May 26, 2017 Motion for a Temporary Restraining Order, and to stay all further proceedings pending the close of the Tender Offer.

The Court having reviewed the motion and subsequent notice,

IT IS HEREBY ORDERED that Plaintiff's Notice of Withdrawal of Motion for Temporary Restraining Order is **GRANTED**. The Motion for a Temporary Restraining Order (ECF No. 5) seeking an order (i) temporarily restraining Defendants from consummating the ongoing tender offer, pending expedited discovery and a hearing on Plaintiff's forthcoming motion for a preliminary injunction; (ii) permitting limited expedited discovery; and (iii) scheduling a prompt post-expedited discovery hearing on the forthcoming motion for a preliminary injunction to take place on or before June 15, 2017, is and shall be deemed withdrawn as moot.

IT IS FURTHER ORDERED that:

1. The Action is hereby stayed pending further order of the Court.
2. No discovery shall be conducted in connection with this Action while this Order is in effect.
3. Any Party may move the Court to lift the stay or otherwise amend this Stipulation and Order for good cause.

SO ORDERED this 5th day of June, 2017

s/Mary Geiger Lewis

Honorable Mary Geiger Lewis
United States District Judge